

Remarks

In reply to the outstanding Election of Species requirement, the following responsive remarks along with the addition of one new claim are respectfully submitted.

The requirement made by the Examiner, namely, to elect a single disclosed species from the four (4) listed on page 2 of the Official Action is noted. Accordingly, Applicants, through their undersigned representative, provisionally elect species 4, relating to semiconductor integrated circuit device including plural static random access memory (SRAM) cells, each having a pair of n-channel drive MISFETs, a pair p-channel load MISFETs and a pair n-channel selection MISFETs. Applicants request examination therefor of claims 20-22, which are readable thereon.

As a point of clarification, it appears that an inadvertent error was made in the listing of the claims pending as well as in the formal election requirement on page 2 of the outstanding Office Action. Specifically, with the supplementing Preliminary Amendment submitted on December 30, 2004, which is noted in the Office Action Summary Sheet (Form PTOL-326), claims 20 and 21 were added at that time thereby resulting in 21 claims pending and not 20. Since claim 21 is further defining of base claim 20 thereof, it is presumed therefor that the Examiner intended for listed species 4 in the outstanding Office Action to have included also dependent claim 21.

Newly added dependent claim 22 further details the characterizing aspects of the n-channel drive MISFETs associated with the respective SRAM cells set forth in base claim 20 thereof.

It is submitted, since the claims of the different ones of the listed species are directed to a semiconductor integrated circuit device containing field effect transistors such as for SRAM cells, although not limited thereto, and a number of the corresponding claims particularly set forth structurally defining aspects thereof that are contained in a number of the different claims pertaining to different ones of the listed species, it is expected therefor

a significant amount of overlapping would necessarily be effected with regard to a state-of-the-art search between the claims of the different ones of the listed species. Accordingly, Applicants, through their undersigned representative, urge the Examiner to include, also, the claims of the other one of the listed species for purposes of examination. According to U.S. practice and as set forth in MPEP §803::

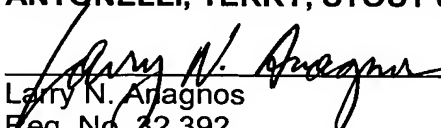
"[I]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

To reiterate, Applicants provisionally elect species 4 pertaining to a device including a plurality of SRAM cells each having a pair of n-channel MISFETS and p-MISFETs and request examination therefor of claims 20-22, which are readable thereon. However, in view of the closeness of the claimed subject matter between that of species 4 and claims pertaining to the other ones of the list of species, as was shown hereinabove, it is respectfully requested therefor that an examination also be given to the claims of the non-elected species.

To the extent necessary, applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including Extension of Time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Dep. Acct. No. 01-2135 (501.40147CX2), and please credit any excess fees to such deposit account.

Respectfully submitted,

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